

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

GERARD EDWARD LEHNER,

Plaintiff,

v.

**1:08-CV-1129
(NAM/RFT)**

**TD BANK NORTH; CVS PHARMACY;
SOVEREIGN BANK (ATM); NEW YORK
STATE DEP'T, BUILDING CODE
ENFORCEMENT,**

Defendants.

NORMAN A. MORDUE, CHIEF U. S. DISTRICT JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge Randolph F. Treece, duly filed on the 19th day of November, 2008. Following ten days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is


ORDERED, that:

1. The Report-Recommendation is hereby adopted in its entirety.
2. The Complaint is dismissed due to the Court's lack of Subject Matter Jurisdiction.

3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Dated: December 12, 2008
Syracuse, New York

A handwritten signature in black ink, appearing to read "Norman A. Mordue". The signature is fluid and cursive, with a large initial "N" and a long, sweeping underline.

Norman A. Mordue
Chief United States District Court Judge

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